

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**DENNIS APPEL and
CHRISTOPHER BOSHOFF**

PLAINTIFFS

V.

NO. 4:21-CV-37-DMB-JMV

**KYLE MILLS TRUCKING &
CUSTOM HARVESTING, LLC
and KYLE MILLS**

DEFENDANTS

ORDER

On July 6, 2022, finding that the parties had reached a valid and enforceable settlement agreement, this Court ordered the defendants “to execute within ten (10) days … all documents to effectuate the settlement and, within the same time period, pay the plaintiffs the full [\$34,000] amount due under the settlement agreement.” Doc. #54. After the defendants failed to comply with the Court’s July 6 order, the plaintiffs filed a “Motion for an Order to Show Cause Why Defendants Should Not Be Held in Contempt.” Doc. #61. On October 6, 2022, the Court, on the plaintiffs’ motion, entered a judgment against the defendants and set a hearing on the contempt motion for November 3, 2022. Docs. #71, #72, #73.

On November 2, 2022, the parties filed a “Joint Motion to Hold Contempt Hearing in Abeyance.” Doc. #74. As cause, the parties represent:

Today, the Defendants wrote a check for \$15,000 which their counsel is transmitting to Plaintiffs promptly (along with an additional \$500.00 already paid toward the settlement) in order to begin payment on the \$34,000 total judgment.

Defendants have committed to their counsel they will pay the rest of the monies owed by January 3, 2023. Defense counsel has committed to signing a written agreement and also to negotiating an amount and schedule for payment of attorneys’ fees and interest on the settlement amount and any other appropriate payments in light of the delay in payment that occurred.

Given this development, all parties request that the Court postpone the November [3], 2022 hearing and reschedule it soon after January 3, 2022 in order to then evaluate whether the Defendants have kept their commitment to pay the remaining balance owed as well as review any other issues that remain pending, including any unresolved questions relating to attorneys' fees.

Id. at 1–2.

Upon consideration, the parties' joint motion [74] is **GRANTED**. The hearing on the contempt motion is continued until further notice. No later than January 4, 2023, the parties are **DIRECTED** inform the Court of the status of this matter.

SO ORDERED, this 3rd day of November, 2022.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE